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Attorneys for Plaintiff and Counter-Defendant CENTOCOR ORTHO BIOTECH, INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL SERVICES, INC.

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CENTOCOR ORTHO BIOTECH, INC.,

Plaintiff,

v.

GENENTECH, INC. and CITY OF HOPE,

Defendants.

AND RELATED COUNTER AND THIRD-PARTY ACTIONS.

Case No. CV 08-03573 MRP (JEMx)

**PLAINTIFF'S APPLICATION TO FILE DOCUMENTS UNDER SEAL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION TO COMPEL DISCLOSURE OF INAPPROPRIATELY WITHHELD INFORMATION**

Date: TBA

Time: TBA

Place: Hon. Mariana Pfaezler, Courtroom 12

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2010 APR 30 PM 3:58  
CLERK U.S. DISTRICT COURT  
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LOS ANGELES

Pursuant to Local Rule 79-5.1, Plaintiff Centocor Ortho Biotech, Inc. ("Centocor") seek leave to file the following exhibits to Plaintiff's Ex Parte Application to Compel Disclosure of Inappropriately Withheld Information under seal:

1. Exhibit A: Portions of the Deposition Transcript of Shmuel Cabilly, Ph.D. dated April 9, 2010; and
2. Exhibit K: Rebuttal Expert Report of Mark X. Sliwowski, Ph.D. in the case of Chiron Corp. v. Genentech, Inc., dated January 28, 2002.

The exhibits sought to be filed under seal relate to license and other agreements between Genentech, Centocor and third parties and contain or reflect confidential business information that is subject to confidentiality provisions. Specifically, Exhibit A contains confidential details regarding Genentech's pharmaceutical research and development. Exhibit K has been designated as confidential Highly Confidential. Exhibit A contains references to confidential documents related to the patent at issue. Exhibit A has been designated as Confidential pursuant to the terms of the Protective Order.

Also, balancing the potential harm to Centocor, Genentech and third parties if the sensitive business information is released into the public with the relatively low public harm for nondisclosure of this information favors prohibiting disclosure.

For the foregoing reasons, Centocor respectfully requests that the Court grant this Application and order the aforementioned documents be filed under seal.

Dated: April 30, 2010

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By: 

Keith D. Fraser

Attorneys for Plaintiff CENTOCOR ORTHO BIOTECH, INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL SERVICES, INC. LLC and JOM PHARMACEUTICAL SERVICES, INC.

## CERTIFICATE OF SERVICE

I, Dori Dellisanti, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, State of California, and not a party to the above-entitled cause. My business address is Connolly Bove Lodge & Hutz LLP, 333 South Grand Avenue, Suite 2300, Los Angeles, California 90071.

On April 30, 2010, I served the foregoing documents described as:  
**PLAINTIFF'S APPLICATION TO FILE DOCUMENTS UNDER SEAL IN SUPPORT OF PLAINTIFF'S *EX PARTE* APPLICATION TO COMPEL DISCLOSURE OF INAPPROPRIATELY WITHHELD INFORMATION** on the following person(s) in this action by placing a true copy thereof enclosed in sealed envelope addressed as follows:

David I Gindler Joseph M Lipner Irell and Manella 1800 Avenue of the Stars Suite 900 Los Angeles, CA 90067-4276	Attorneys for Defendant and Counterclaimant City of Hope Medical Center  Tel: 310-277-1010 Fax: 310-203-7199 Email: <a href="mailto:jlipner@irell.com">jlipner@irell.com</a> ; <a href="mailto:dgindler@irell.com">dgindler@irell.com</a> <a href="mailto:Coh.centocor.team@irell.com">Coh.centocor.team@irell.com</a>
Mark A. Pals Marcus E Sernel Matthew Shiels Kirkland and Ellis LLP 300 North LaSalle Street Chicago, IL 60654	Attorneys for Defendant and Counterclaimant Genentech, Inc. Tel: 312-861-2000 Fax: 312-861-2200 Email: <a href="mailto:mpals@kirkland.com">mpals@kirkland.com</a> <a href="mailto:msernel@kirkland.com">msernel@kirkland.com</a> <a href="mailto:mshiels@kirkland.com">mshiels@kirkland.com</a>
Daralyn J. Durie Ryan Kent Durie Tangri Lemley Roberts & Kent LLP 332 Pine Street, Suite 200 San Francisco, CA 94104	Attorneys for Defendant and Counterclaimant Genentech, Inc. Tel: 415-362-6666 Email: <a href="mailto:ddurie@durietangri.com">ddurie@durietangri.com</a> <a href="mailto:rkent@durietangri.com">rkent@durietangri.com</a>

☒ **BY MAIL.** I am readily familiar with the firm's practice regarding collection and processing of correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the addressee(s) as stated above.

☒ **FEDERAL EXPRESS:** I am readily familiar with the office practice of Connolly Bove Lodge & Hutz LLP for collecting and processing correspondence for overnight delivery by Federal Express. Such practice is that when correspondence for overnight delivery by Federal Express is deposited with the Connolly Bove Lodge & Hutz LLP personnel responsible for delivering correspondence to Federal Express, such correspondence is delivered to a Federal

Express location or to an authorized courier or driver authorized by Federal Express to receive documents or deposited at a facility regularly maintained by Federal Express for receipt of documents on the same day in the ordinary course of business.


☐ **BY E-MAIL:** (1) I caused copies of the above documents to be emailed to the interested parties based on the email addresses indicated herein, and/or (2) based on General Order 08-02, the attached document(s) was sent to the person(s) at the e-mail address(es) indicated above through the Court's Electronic Filing System (ECF).

☒ **FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I hereby declare under penalty of perjury that the foregoing is true and correct.  
Executed on April 30, 2010 at Los Angeles, California.

Dori Dellisanti

Name



Signature